

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

§

§

v.

§

Case No. 6:15-CR-00025-JRG-JDL

§

VANDORUS TRANODE HORN

§

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

On May 3, 2018, the undersigned held a final hearing on the Government's petition (#1115) to revoke supervised release. The Government was represented by Assistant United States Attorney Frank Coan. The Defendant, Vandorus Tranode Horn, was represented by Ken Hawk.

Vandorus Tranode Horn was sentenced on September 15, 2016, before the Honorable U.S. District Judge Michael H. Schneider of the Eastern District of Texas, after pleading guilty to the offense of Possession With Intent to Distribute and Distribution of Cocaine, a Class C felony. This offense carried a statutory maximum imprisonment term of 20 years imprisonment. The guideline imprisonment range, based on a total offense level of 10 and a criminal history category of III, was 10 to 16 months. Vandorus Tranode Horn was subsequently sentenced to TIME SERVED plus 3 Years of Supervised Release, subject to the standard conditions of release, plus special conditions to include: (1) provide the probation officer with access to any requested financial information for purposes of monitoring the defendant's efforts to obtain and maintain lawful employment; and (2) participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer and defendant shall pay any cost

associated with treatment and testing. On September 15, 2016, Vandorus Tranode Horn completed his period of imprisonment and began service of the supervision term.

On April 13, 2018, this petition to revoke was filed. In its petition, the Government alleges the Defendant violated the following conditions:

1) Standard: The Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as described by a physician. Specifically, the Government alleges as follows: On February 21, 2018, February 27, 2018, March 19, 2018, March 27, 2018, and April 5, 2018, Defendant tested positive for marijuana.

The Court scheduled a revocation hearing for May 3, 2018. At the hearing on the Government's petition, and after consenting to the undersigned taking the plea, the Defendant pled true to the allegations as set forth above. Based on the Defendant's plea of true to the allegations, and with no objection by the Defendant or the Government, the undersigned found that the Defendant did violate conditions of his supervised release, as alleged in the U.S. Probation Office's petition.

The undersigned thereafter recommended that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for six months, with no supervised release to follow such term of imprisonment. Based on the foregoing, it is

RECOMMENDED that the Defendant's plea of true to the allegations, as set forth in the Government's petition, be **ACCEPTED**. Based upon the Defendant's plea of true to the allegations, it is further recommended that the Court find that the Defendant violated the conditions of his supervised release. It is further

RECOMMENDED that the Defendant's supervised release be **REVOKED**. It is further

RECOMMENDED that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six months, with no supervised release to follow such term of imprisonment. It is **RECOMMENDED** that the place of confinement be Seagoville, Texas and that Defendant receive any available drug treatment and counseling while incarcerated.

At the close of the May 3, 2018 revocation hearing, Defendant, defense counsel, and counsel for the Government each signed a standard form waiving their right to object to the proposed findings and recommendations contained in this report, consenting to revocation of supervised release as recommended herein and to the imposition of the above sentence. Defendant also waived his right to be present and speak before the District Judge imposes the recommended sentence. Therefore, the Court may act on the findings and recommendation immediately.

So ORDERED and SIGNED this 3rd day of May, 2018.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE